

# Congress of the United States

Washington, DC 20515

September 25, 2014

Hon. Tom Wheeler, Chairman  
Hon. Mignon Clyburn  
Hon. Jessica Rosenworcel  
Hon. Ajit Pai  
Hon. Michael O'Rielly

1066

Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: Implementation of Blocking Requirements for E-rate Program (WC Docket No. 13-184)

Dear Chairman Wheeler, Commissioner Clyburn, Commissioner Rosenworcel, Commissioner Pai, and Commissioner O'Rielly:

As Members of Congress concerned with ensuring that our public schools and libraries provide resources for all students and community members, we are writing to make you aware of troubling implementation of online content filtering policies for students and citizens of all ages within public schools and libraries that receive E-rate funding, and to urge you to take action to ensure access to important Lesbian, Gay, Bisexual and Transgender (LGBT) resources for library patrons and high school students.

Under 47 U.S.C. § 254(h)(5) and the Commission's implementing rules,<sup>1</sup> schools and libraries are required to establish policies and filters for content considered "obscene; child pornography; or harmful to minors." Regrettably, Internet content-filtering software can—intentionally or unintentionally—be used to block access to particular viewpoints in a discriminatory manner.

For example, in 2011, the American Civil Liberties Union filed a lawsuit against the Camdenton R-III School District in Camdenton, Missouri for blocking access to content supportive of Lesbian, Gay, Bisexual and Transgender (LGBT) youth and adults. In this egregious case, the filter was configured such that anti-LGBT content was not blocked. Thankfully, a federal judge in February 2012 ruled in favor of the ACLU and ordered the school district to stop using the discriminatory filter. We know from Camdenton that this problem exists, yet there are few institutional resources to guide public schools and libraries to ensure LGBT content is not intentionally or unintentionally blocked.

The Internet has the potential to help LGBT people cope with discrimination, isolation and stigma they may face in their everyday lives. A 2013 Pew Research Center report and a national survey of LGBT adults found: 39% have been rejected by friends or family because of their sexual or gender identity; 30% have been physically attacked or threatened; 21% have been treated unfairly by an employer; and, only 56% have told their mother about their sexual or gender identity. This report also found that 80% of the LGBT community participates in a social

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<sup>1</sup> See 47 C.F.R. § 54.520.

networking site, such as Facebook, compared to just 58% of the general public—highlighting the importance of technology for the LGBT community. A 2014 report by the LGBT Technology Partnership & Institute “Vision for Inclusion: An LGBT Broadband Future” concluded that LGBT people are dependent on the Internet to meet a range of individual and social needs, which also makes them especially vulnerable to discriminatory Internet policies enacted by schools and libraries.

In an age when high-speed broadband is transforming almost every aspect of our lives, we must ensure online access to every adult and child. We are aware that you are in the midst of a proceeding to modernize the E-rate program. We encourage you to consider this problem in the course of this proceeding and adopt a solution to end this practice. For example, the Commission’s regulations could make clear that LGBT educational content should not be filtered in a discriminatory manner.

Thank you again for your consideration.

Sincerely,



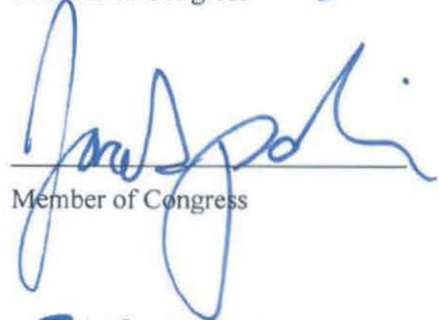
Member of Congress



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September 25, 2014

Hon. Tom Wheeler, Chairman  
Hon. Mignon Clyburn  
Hon. Jessica Rosenworcel  
Hon. Ajit Pai  
Hon. Michael O'Rielly

Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Dear Chairman Wheeler, Commissioner Clyburn, Commissioner Rosenworcel, Commissioner Pai, and Commissioner O'Rielly:

We write in support of the enclosed letter from Members of Congress. We want to ensure that our public schools and libraries provide access to resources for all students and community members, especially those who identify as lesbian, gay, bisexual and transgender (LGBT).

Earlier this summer, the LGBT Technology Partnership & Institute published a research paper entitled "Vision for Inclusion: An LGBT Broadband Future" outlining the unique needs of the LGBT community around broadband access. One of the recommendations specifically addresses access to LGBT resources in our public schools and libraries.

Although our organizations are diverse with respect to mission, focus and approach, we all share a similar commitment to improving the lives of LGBT individuals and support the request by Members of Congress to the FCC seeking to end the practice of discriminatory filtering.

Sincerely,

LGBT Technology Partnership & Institute  
Human Rights Campaign  
American Civil Liberties Union  
All Under One Roof  
Bradbury-Sullivan LGBT Community Center,  
Allentown, PA  
CenterLink: The Community of LGBT Centers  
GLAAD  
GLSEN  
Health IT Now  
Kalamazoo Gay Lesbian Community Center  
Lesbians Who Tech  
Los Angeles LGBT Center  
Mary's House for Older Adults, Inc.

National Gay and Lesbian Task Force Action  
Fund  
Resource Center (Dallas LGBT Center)  
Sacramento LGBT Community Center  
Santa Clara County Library District  
The Center: 7 Rivers LGBTQ Connection  
The Trevor Project  
Christopher Wolf - *Chair, National Civil Rights  
Committee, Anti-Defamation League*  
Lara Calvert-York - *President of Fremont  
Unified School District*  
Jules Polonetsky - *former SVP Consumer  
Advocacy, AOL, former Consumer Affairs  
Commissioner, NYC*  
Wendy Gudalewicz - *Superintendent of  
Cupertino Union School District*

## Alethea Lewis

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**From:** Robert Lucas <robert.lucas@mail.house.gov>  
**Sent:** Monday, October 06, 2014 1:06 PM  
**To:** Alethea Lewis  
**Subject:** Signatories on Congressman Honda's letter

Alethea:

Thanks for your call. Attached is the final list of signatories. There are several signatories that were not included in the mailing, but the digital copy is linked below.

Digital Copy: <https://www.scribd.com/doc/241003489/Congressional-Letter-to-the-FCC-regarding-LGBT-Content-Filtering-in-Public-Schools-and-Libraries>

List of signatories:

- ✓ 1. Honda
- ✓ 2. Blumenauer
- ✓ 3. Cicilline
- ✓ 4. Ellison
- ✓ 5. Grijalva
- ✓ 6. Holt
- 7. Lee
- ✓ 8. Lowenthal
- ✓ 9. McDermott
- ✓ 10. Meeks
- 11. Nadler
- ✓ 12. Pocan
- ✓ 13. Polis
- ✓ 14. Rangel
- ✓ 15. Schiff
- 16. Slaughter
- 17. Speier
- ✓ 18. Takano.

Let me know if you have any questions.

---

Robert Lucas  
Legislative Correspondent | Online Communications & Technology Director  
Congressman Mike Honda (CA17-Silicon Valley)  
1713 Longworth House Office Building  
Washington, DC 20515  
[Honda.house.gov](http://Honda.house.gov) | (202) 225-2631 | [robert.lucas@mail.house.gov](mailto:robert.lucas@mail.house.gov)





OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

November 19, 2014

The Honorable Michael Honda  
U.S. House of Representatives  
1713 Longworth House Office Building  
Washington, D.C. 20515

Dear Representative Honda:

Thank you for your letter expressing concerns regarding the implementation of online filtering policies for schools and libraries that receive support under the E-rate program. I appreciate hearing your views on this important issue.

In enacting the Children's Internet Protection Act (CIPA), Congress amended Section 254 of the Communications Act to require – as a condition of receiving discounted Internet access and internal connection services under the E-rate program – that schools and libraries certify to the Commission that they have in place certain Internet safety policies and technology protection measures. Under CIPA, a school's or library's Internet safety policy must include a technology protection measure that protects both adults and minors from accessing visual depictions that are "obscene; child pornography; or, with respect to minors, harmful to minors."

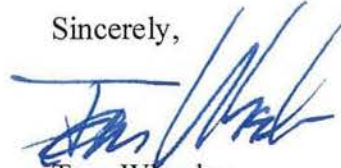
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Thus, while I share your outrage that any schools or libraries would use CIPA to block certain content simply because it is supportive of Lesbian, Gay, Bisexual, and Transgender students and adults, the Commission is bound by Congress's strict determination that, for purposes of CIPA compliance, decisions about what material is "inappropriate for minors" be made at the local level. Unless and until Congress makes changes to this law, the Commission cannot review the decisions made at the local level.

Page 2—The Honorable Michael Honda

I appreciate your interest in this matter and hope this information is helpful to you in understanding the interplay between CIPA and the E-rate program. Please let me know if I can be of any further assistance.

Sincerely,

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Tom Wheeler





FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

November 19, 2014

The Honorable Earl Blumenauer  
U.S. House of Representatives  
1111 Longworth House Office Building  
Washington, D.C. 20515

Dear Representative Blumenauer:

Thank you for your letter expressing concerns regarding the implementation of online filtering policies for schools and libraries that receive support under the E-rate program. I appreciate hearing your views on this important issue.

In enacting the Children's Internet Protection Act (CIPA), Congress amended Section 254 of the Communications Act to require – as a condition of receiving discounted Internet access and internal connection services under the E-rate program – that schools and libraries certify to the Commission that they have in place certain Internet safety policies and technology protection measures. Under CIPA, a school's or library's Internet safety policy must include a technology protection measure that protects both adults and minors from accessing visual depictions that are "obscene; child pornography; or, with respect to minors, harmful to minors."

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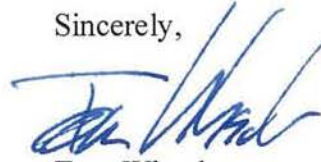
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Page 2—The Honorable Earl Blumenauer

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Sincerely,

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

November 19, 2014

The Honorable David Cicilline  
U.S. House of Representatives  
128 Cannon House Office Building  
Washington, D.C. 20515

Dear Representative Cicilline:

Thank you for your letter expressing concerns regarding the implementation of online filtering policies for schools and libraries that receive support under the E-rate program. I appreciate hearing your views on this important issue.

In enacting the Children's Internet Protection Act (CIPA), Congress amended Section 254 of the Communications Act to require – as a condition of receiving discounted Internet access and internal connection services under the E-rate program – that schools and libraries certify to the Commission that they have in place certain Internet safety policies and technology protection measures. Under CIPA, a school's or library's Internet safety policy must include a technology protection measure that protects both adults and minors from accessing visual depictions that are "obscene; child pornography; or, with respect to minors, harmful to minors."

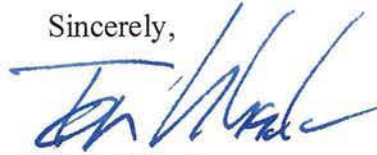
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Page 2—The Honorable David Cicilline

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Sincerely,

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Tom Wheeler





OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

November 19, 2014

The Honorable Keith Ellison  
U.S. House of Representatives  
2244 Rayburn House Office Building  
Washington, D.C. 20515

Dear Representative Ellison:

Thank you for your letter expressing concerns regarding the implementation of online filtering policies for schools and libraries that receive support under the E-rate program. I appreciate hearing your views on this important issue.

In enacting the Children's Internet Protection Act (CIPA), Congress amended Section 254 of the Communications Act to require – as a condition of receiving discounted Internet access and internal connection services under the E-rate program – that schools and libraries certify to the Commission that they have in place certain Internet safety policies and technology protection measures. Under CIPA, a school's or library's Internet safety policy must include a technology protection measure that protects both adults and minors from accessing visual depictions that are "obscene; child pornography; or, with respect to minors, harmful to minors."

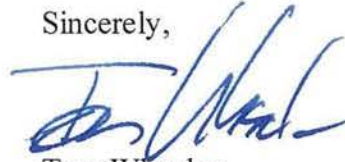
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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

November 19, 2014

The Honorable Raúl Grijalva  
U.S. House of Representatives  
1511 Longworth House Office Building  
Washington, D.C. 20515

Dear Representative Grijalva:

Thank you for your letter expressing concerns regarding the implementation of online filtering policies for schools and libraries that receive support under the E-rate program. I appreciate hearing your views on this important issue.

In enacting the Children's Internet Protection Act (CIPA), Congress amended Section 254 of the Communications Act to require – as a condition of receiving discounted Internet access and internal connection services under the E-rate program – that schools and libraries certify to the Commission that they have in place certain Internet safety policies and technology protection measures. Under CIPA, a school's or library's Internet safety policy must include a technology protection measure that protects both adults and minors from accessing visual depictions that are "obscene; child pornography; or, with respect to minors, harmful to minors."

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Page 2—The Honorable Raúl Grijalva

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

November 19, 2014

The Honorable Rush Holt  
U.S. House of Representatives  
1214 Longworth House Office Building  
Washington, D.C. 20515

Dear Representative Holt:

Thank you for your letter expressing concerns regarding the implementation of online filtering policies for schools and libraries that receive support under the E-rate program. I appreciate hearing your views on this important issue.

In enacting the Children's Internet Protection Act (CIPA), Congress amended Section 254 of the Communications Act to require – as a condition of receiving discounted Internet access and internal connection services under the E-rate program – that schools and libraries certify to the Commission that they have in place certain Internet safety policies and technology protection measures. Under CIPA, a school's or library's Internet safety policy must include a technology protection measure that protects both adults and minors from accessing visual depictions that are "obscene; child pornography; or, with respect to minors, harmful to minors."

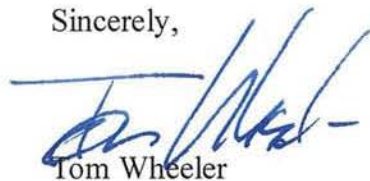
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Tom Wheeler





FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

November 19, 2014

The Honorable Barbara Lee  
U.S. House of Representatives  
2267 Rayburn House Office Building  
Washington, D.C. 20515

Dear Representative Lee:

Thank you for your letter expressing concerns regarding the implementation of online filtering policies for schools and libraries that receive support under the E-rate program. I appreciate hearing your views on this important issue.

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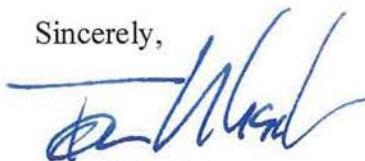
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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

November 19, 2014

The Honorable Alan Lowenthal  
U.S. House of Representatives  
515 Cannon House Office Building  
Washington, D.C. 20515

Dear Representative Lowenthal:

Thank you for your letter expressing concerns regarding the implementation of online filtering policies for schools and libraries that receive support under the E-rate program. I appreciate hearing your views on this important issue.

In enacting the Children's Internet Protection Act (CIPA), Congress amended Section 254 of the Communications Act to require – as a condition of receiving discounted Internet access and internal connection services under the E-rate program – that schools and libraries certify to the Commission that they have in place certain Internet safety policies and technology protection measures. Under CIPA, a school's or library's Internet safety policy must include a technology protection measure that protects both adults and minors from accessing visual depictions that are "obscene; child pornography; or, with respect to minors, harmful to minors."

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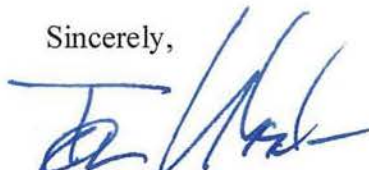
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Page 2—The Honorable Alan Lowenthal

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Sincerely,

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

November 19, 2014

The Honorable Jim McDermott  
U.S. House of Representatives  
1035 Longworth House Office Building  
Washington, D.C. 20515

Dear Representative McDermott:

Thank you for your letter expressing concerns regarding the implementation of online filtering policies for schools and libraries that receive support under the E-rate program. I appreciate hearing your views on this important issue.

In enacting the Children's Internet Protection Act (CIPA), Congress amended Section 254 of the Communications Act to require – as a condition of receiving discounted Internet access and internal connection services under the E-rate program – that schools and libraries certify to the Commission that they have in place certain Internet safety policies and technology protection measures. Under CIPA, a school's or library's Internet safety policy must include a technology protection measure that protects both adults and minors from accessing visual depictions that are "obscene; child pornography; or, with respect to minors, harmful to minors."


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Page 2—The Honorable Jim McDermott

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

November 19, 2014

The Honorable Gregory Meeks  
U.S. House of Representatives  
2234 Rayburn House Office Building  
Washington, D.C. 20515

Dear Representative Meeks:

Thank you for your letter expressing concerns regarding the implementation of online filtering policies for schools and libraries that receive support under the E-rate program. I appreciate hearing your views on this important issue.

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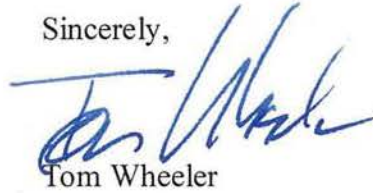
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Page 2—The Honorable Gregory Meeks

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Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", with a stylized flourish extending from the end.

Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

November 19, 2014

The Honorable Jerrold Nadler  
U.S. House of Representatives  
2110 Rayburn House Office Building  
Washington, D.C. 20515

Dear Representative Nadler:

Thank you for your letter expressing concerns regarding the implementation of online filtering policies for schools and libraries that receive support under the E-rate program. I appreciate hearing your views on this important issue.

In enacting the Children's Internet Protection Act (CIPA), Congress amended Section 254 of the Communications Act to require – as a condition of receiving discounted Internet access and internal connection services under the E-rate program – that schools and libraries certify to the Commission that they have in place certain Internet safety policies and technology protection measures. Under CIPA, a school's or library's Internet safety policy must include a technology protection measure that protects both adults and minors from accessing visual depictions that are "obscene; child pornography; or, with respect to minors, harmful to minors."

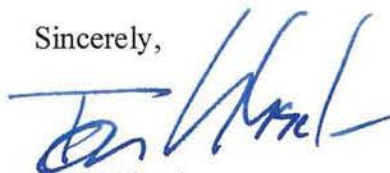
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Sincerely,

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

November 19, 2014

The Honorable Mark Pocan  
U.S. House of Representatives  
313 Cannon House Office Building  
Washington, D.C. 20515

Dear Representative Pocan:

Thank you for your letter expressing concerns regarding the implementation of online filtering policies for schools and libraries that receive support under the E-rate program. I appreciate hearing your views on this important issue.

In enacting the Children's Internet Protection Act (CIPA), Congress amended Section 254 of the Communications Act to require – as a condition of receiving discounted Internet access and internal connection services under the E-rate program – that schools and libraries certify to the Commission that they have in place certain Internet safety policies and technology protection measures. Under CIPA, a school's or library's Internet safety policy must include a technology protection measure that protects both adults and minors from accessing visual depictions that are "obscene; child pornography; or, with respect to minors, harmful to minors."

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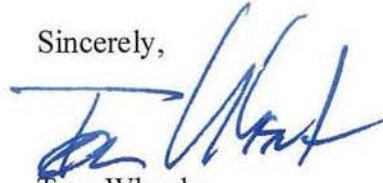
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Sincerely,



Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

November 19, 2014

The Honorable Jared Polis  
U.S. House of Representatives  
1433 Longworth House Office Building  
Washington, D.C. 20515

Dear Representative Polis:

Thank you for your letter expressing concerns regarding the implementation of online filtering policies for schools and libraries that receive support under the E-rate program. I appreciate hearing your views on this important issue.

In enacting the Children's Internet Protection Act (CIPA), Congress amended Section 254 of the Communications Act to require – as a condition of receiving discounted Internet access and internal connection services under the E-rate program – that schools and libraries certify to the Commission that they have in place certain Internet safety policies and technology protection measures. Under CIPA, a school's or library's Internet safety policy must include a technology protection measure that protects both adults and minors from accessing visual depictions that are "obscene; child pornography; or, with respect to minors, harmful to minors."

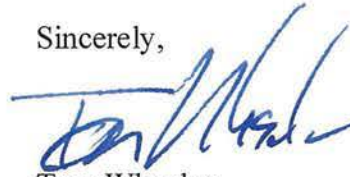
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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

November 19, 2014

The Honorable Charles Rangel  
U.S. House of Representatives  
2354 Rayburn House Office Building  
Washington, D.C. 20515

Dear Representative Rangel:

Thank you for your letter expressing concerns regarding the implementation of online filtering policies for schools and libraries that receive support under the E-rate program. I appreciate hearing your views on this important issue.

In enacting the Children's Internet Protection Act (CIPA), Congress amended Section 254 of the Communications Act to require – as a condition of receiving discounted Internet access and internal connection services under the E-rate program – that schools and libraries certify to the Commission that they have in place certain Internet safety policies and technology protection measures. Under CIPA, a school's or library's Internet safety policy must include a technology protection measure that protects both adults and minors from accessing visual depictions that are "obscene; child pornography; or, with respect to minors, harmful to minors."

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

November 19, 2014

The Honorable Adam Schiff  
U.S. House of Representatives  
2411 Rayburn House Office Building  
Washington, D.C. 20515

Dear Representative Schiff:

Thank you for your letter expressing concerns regarding the implementation of online filtering policies for schools and libraries that receive support under the E-rate program. I appreciate hearing your views on this important issue.

In enacting the Children's Internet Protection Act (CIPA), Congress amended Section 254 of the Communications Act to require – as a condition of receiving discounted Internet access and internal connection services under the E-rate program – that schools and libraries certify to the Commission that they have in place certain Internet safety policies and technology protection measures. Under CIPA, a school's or library's Internet safety policy must include a technology protection measure that protects both adults and minors from accessing visual depictions that are "obscene; child pornography; or, with respect to minors, harmful to minors."

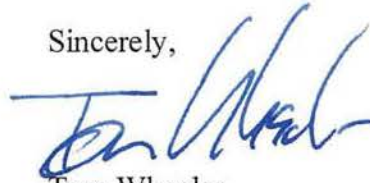
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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

November 19, 2014

The Honorable Louise Slaughter  
U.S. House of Representatives  
2469 Rayburn House Office Building  
Washington, D.C. 20515

Dear Representative Slaughter:

Thank you for your letter expressing concerns regarding the implementation of online filtering policies for schools and libraries that receive support under the E-rate program. I appreciate hearing your views on this important issue.

In enacting the Children's Internet Protection Act (CIPA), Congress amended Section 254 of the Communications Act to require – as a condition of receiving discounted Internet access and internal connection services under the E-rate program – that schools and libraries certify to the Commission that they have in place certain Internet safety policies and technology protection measures. Under CIPA, a school's or library's Internet safety policy must include a technology protection measure that protects both adults and minors from accessing visual depictions that are "obscene; child pornography; or, with respect to minors, harmful to minors."

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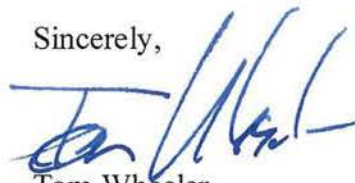
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Page 2—The Honorable Louise Slaughter

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

November 19, 2014

The Honorable Jackie Speier  
U.S. House of Representatives  
211 Cannon House Office Building  
Washington, D.C. 20515

Dear Representative Speier:

Thank you for your letter expressing concerns regarding the implementation of online filtering policies for schools and libraries that receive support under the E-rate program. I appreciate hearing your views on this important issue.

In enacting the Children's Internet Protection Act (CIPA), Congress amended Section 254 of the Communications Act to require – as a condition of receiving discounted Internet access and internal connection services under the E-rate program – that schools and libraries certify to the Commission that they have in place certain Internet safety policies and technology protection measures. Under CIPA, a school's or library's Internet safety policy must include a technology protection measure that protects both adults and minors from accessing visual depictions that are "obscene; child pornography; or, with respect to minors, harmful to minors."

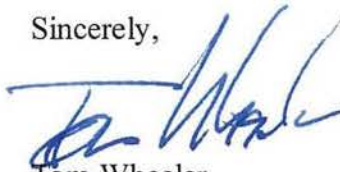
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Page 2—The Honorable Jackie Speier

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

November 19, 2014

The Honorable Mark Takano  
U.S. House of Representatives  
1507 Longworth House Office Building  
Washington, D.C. 20515

Dear Representative Takano:

Thank you for your letter expressing concerns regarding the implementation of online filtering policies for schools and libraries that receive support under the E-rate program. I appreciate hearing your views on this important issue.

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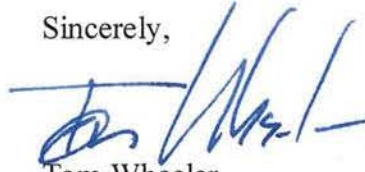
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Tom Wheeler